

Approved November 24, 2009



**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, November 10, 2009 @ 1:00 p.m.**

AGENDA

- 1:00 p.m.**
- A. CALL TO ORDER**
 - B. PLEDGE OF ALLEGIANCE**
 - C. DISCLOSURES**
 - D. APPROVAL OF THE MINUTES: October 28, 2009 Town Council Meeting**
 - E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
 - F. AGENDA TOPICS:**
 - 1. TOWN AUDITOR'S PRESENTATION ON COUNCIL'S RESPONSIBILITIES** – Wayne Everett, Town Auditor– Mr. Everett will give a presentation to the Council on the Council's role in the Town's financial responsibility and annual auditing process.
 - 2. USDA PARTIAL PAYMENT REQUEST** – Chet Hovey, Town Engineer – The Council will review and approve a draw for funds from the USDA grant/loan.
 - 3. CONSOLIDATED FEE SCHEDULE DISCUSSION** - Tom Stratton, Public Works Director – The Council will hold discussion on proposed changes to the Consolidated Fee Schedule.
 - 4. TOWN ACCEPTANCE OF THE CRYSTAL AIRE SUBDIVISION** – Tom Stratton, Public Works Director – The Council will accept the Crystal Aire Subdivision located on the South end of Brian Head.
 - G. ADJOURNMENT**

Dated the 6th Day of November, 2009

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference.

In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 6th day of November, 2009 and have caused a copy of this notice to be delivered to the Daily Spectrum.

Nancy Leigh, Town Clerk

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**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
Tuesday, November 10, 2009 @ 1:00 p.m.**

Members Present: H.C. Deutschlander, Stewart Fausett, Tony Cocchia, Hans Schwob, Jim Ortler.
Staff Present: Bryce Haderlie, Nancy Leigh, Tom Stratton, Gary Bulloch, Cecilia Johnson, Chet Hovey
(Town Engineer).

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:00 p.m.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES: October 28, 2009 Town Council Meeting

Motion: Council Member Ortler moved to approve the October 28, 2009 Town Council minutes as presented. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Cocchia, Council Member Schwob, Council Member Ortler).

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Nancy Leigh, Town Recorder/Clerk, notified the Council that a special Council meeting will need to held in order to canvas the November 3, 2009 Municipal Election. Nancy explained that according to State Code, the canvassing of the election must be completed no sooner than 7 days and no later than 14 days after the election, and the Council does not have a regularly scheduled meeting within this time period.

Council directed staff to schedule a special meeting of the Town Council for November 17, 2009 at 12:45 p.m. to canvas the election.

Mayor Deutschlander

1. The Rotary Club of Cedar City and Cedar City Officials have invited Brian Head to the rededication of the WWII Memorial. The Rotary Club owns the park in which they will officially transfer ownership of the park to Cedar City.
2. Today is the 234 birthday of the Marine Corps.
3. The annual Ullar ceremony is scheduled for Thursday, November 4th at 6:00 p.m. at the Fire Station. The public is invited to attend.

Bryce Haderlie, Town Manager

1. The Trails Committee met last week to work on the designation of trail maps. The committee is now an official town board in which they will be required to following the open and public meetings act.
2. An orientation for newly elected official, Linda Ames, will take place after the Council meeting. Staff will identify on-going projects that the town is currently involved in along with the basic information for new Council Members. The Council is invited to attend.
3. Attended the Utah City Managers Association (UCMA) meeting on November 6, 2009. Bryce gave the Council an update on ongoing issues the City Manager's are currently facing.
4. Work on the General Plan Land Use Map with the Planning Commission is progressing. The map is has being sent to the engineer for a final draft and once completed, staff will schedule the public hearings for the adoption of the General Plan.

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Tom Stratton, Public Works Director

1. Distributed the department's update to the Council (see attached).
2. Pure Recycling will be receiving electronic waste on November 7, 2009 in Cedar City. The service is free of charge to the public.

Gary Bulloch, Public Safety Director

1. Distributed the department's update to the Council (see attached).
2. State Fire and Forestry is currently back burning on the north end of Brian Head by the Scout Camp. The department is monitoring the town's 20 acres of burn piles, which are currently burning, every 3-4 hours.

Cecilia Johnson, Town Treasurer, reported she attended the Utah Municipal Treasurer's Academy in Salt Lake City last week. The training was very informative.

Peg Simon, County Resident, reported that Cedar Breaks Monument will be opening the yert the first week in December and will be open to x-country skiers and snowmobiles riding through Cedar Breaks Monument.

F. AGENDA TOPICS:

1. TOWN AUDITOR'S PRESENTATION ON COUNCIL'S RESPONSIBILITIES -

Mr. Everett will give a presentation to the Council on the Council's role in the Town's financial responsibility and annual auditing process.

Wayne Everett, Town Auditor, reported that the town's annual audit for July 01, 2008 until June 30, 2009 is currently in progress. Mr. Everett distributed a questionnaire to the Council concerning related parties and fraud inquiry. Mr. Everett requested the Council complete the questionnaire and submit back to him. Mr. Everett explained that the questionnaire is distributed to the staff and Council annually and is part of the annual process.

Mr. Everett explained to the Council that they are the audit committee and are responsible to monitor risks in the town's financial reporting, including any type of fraud transactions and possible risks are and if there are potential risks, the Council should make a change in the town's policies and procedures. Mr. Everett explained that the audit is on schedule to be completed by the December 31, 2009 deadline.

Discussion was held regarding whether the new accounting software, Peloris, has made a positive impact on the reporting process for the annual audit. Mr. Everett reported that the new software has made the audit quicker and simpler and has been a benefit to the town.

2. USDA PARTIAL PAYMENT REQUEST— the Council will review and approve a draw for funds from the USDA grant/loan.

Chet Hovey, Town Engineer, presented the USDA draws for the following partial payments and requested approval from the Council for the below listed payments:

1. Mammoth IMG Tank: Partial Payment #1 for Del Cox Construction in the amount of \$169,191.33 (see attached). Some construction has been started by Del Cox, which include 80% of the mobilization costs as per the contract. The contractor has wrapped up the construction until spring 2010.
2. Water Rights Acquisition: Partial Payment #2 in the amount of \$127,182.89 (see attached). The closing costs for the water acquisition. Discussion was held regarding the impact fees and the \$100,000.00 that was required for the town's contribution to the USDA loan/grant. Mr. Hovey reported that he will review the Capital Facilities Plan to determine if the \$100,000 of the water impact fees could pay for all of the projects identified, or if it will be identified in the water acquisition project.

Bryce Haderlie, Town Manager, requested the Council to give staff authorization to re-modify the partial payment application contribution table #3, dated November 4, 2009 (see attached) and will be modified according to the Capital Facilities Plans and projects. Mr. Hovey will submit a sheet of the percentages in the projects identified in the fees.

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3. Brian Head Town Reimbursement Payment: Partial Payment #3 in the amount of \$51,629.41. Costs associated with the funding application, legal services and administrative costs. The town is paying for the management of the construction, and is not required to hold retainage against itself.

Staff will submit a summary sheet with each project that is submitted for partial payment to the Council.

Motion: Council Member Ortler moved to approve the three USDA partial payment requests as presented. Council Member Fausett seconded the motion.

Action: Motion carried 5-0-0 (**summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Cocchia, Council Member Schwob, Council Member Ortler).

3. **CONSOLIDATED FEE SCHEDULE DISCUSSION** – The Council will hold discussion on proposed changes to the Consolidated Fee Schedule.

Tom Stratton, Public Works Director, explained to the Council that the Consolidated Fee Schedule will need to be amended due to the completion of the USDA loan/grant and the water impact fee study. Tom explained that the Council adopted the maximum amount of \$13,593.94 for water impact fees until the town knew what portion of grant vs. loan the town would be receiving from USDA. The new amount for water impact fees will be \$11,668.64.

Tom recommended a \$300.00 deposit be identified in the Consolidated Fee Schedule for the disconnection of utility services. Tom explained that if the utility customer is in good standing after a period of 12 months, the deposit may be used towards the customer's utility account or could be applied towards utility delinquencies.

Discussion was held regarding the town's obligation of the revenue bonds for the infrastructure of the water/sewer lines and the potential impact if the users voluntarily disconnected. Tom recommended that the Council consider a \$49.00 monthly water charge for the operation and maintenance (O&M) of the water system if a user decides to disconnect from the system. Tom reported that there is currently a monthly cost of \$11.35 for the actual water that is used by the utility customer.

Discussion was held regarding the disconnected monthly rates:

1. Whether the charge would be a stand-by fee, since the service is disconnected, but a monthly charge is still assessed to the user.
2. The charge would be only to those properties that have a structure on it.
3. Whether there is a provision in the State Code that would limit fees the town could charge for services. Staff will review the costs associated for water/sewer disconnections.
4. Whether the town should consider a seasonal rate instead of a disconnect/reconnect rates instead.
5. Staff will work with legal to review items as to whether the town can charge a permanent fee to the homeowner.
6. The occupancy permit would be revoked if the utility user disconnects their utility services.
7. Council Member Ortler requested staff verify the actual cost of the permanent fee and report back to Council.

The Council directed staff to identify a base rate on all utilities and bring the proposed amended Consolidated Fee Schedule back to Council for consideration of adoption.

Tom explained that in his memo to the Council on the Consolidated Fee Schedule, he identified four proposed changes to the fee schedule and requested Council to comment on the four proposals (see attached):

- A. Impact Fee from \$13,593.94 to \$11,668.64. – Consensus of the Council was to change the water impact fees.
- B. Implement a \$300.00 for new service utility deposit. – Consensus of the Council was to implement the \$300.00 deposit and will be in the property owner's name only and will be applied to new construction / developments within the town. Staff will verify with the current water ordinance to determine what the specifics are pertaining to the deposit.
- C. Implement a fee to be charged to users of water, sewer and garbage when they voluntarily disconnect their service. Staff will verify with legal on whether the town has the ability to charge the fee and what that fee would encompass and report back to Council
- D. Implement an automatic increase of a set percentage amount each year to the entire Consolidated Fee Schedule. Consensus of the Council was not to implement an automatic increase and that the Consolidated Fee Schedule is reviewed on an annual basis by the Council.

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Tom reported that the amended Consolidate Fee Schedule will be identified for the Council's agenda within the near future.

4. TOWN ACCEPTANCE OF THE CRYSTAL AIRE SUBDIVISION – The Council will accept the Crystal Aire Subdivision located on the South end of Brian Head.

Tom Stratton, Public Works Director, requested the approval of Council for the substantial completion of the Crystal Aire Subdivision into the Town of Brian Head. Tom explained that once the subdivision is accepted, the town would identify the infrastructure improvements into the town's fixed assets.

Bryce Haderlie, Town Manager, explained that this would not be the final acceptance of the subdivision, but would start the one year warranty period after which, the town would accept the subdivision.

Discussion was held regarding landscaping of the area. Bryce explained that the engineer's estimate did not identify any landscaping fees, but at the request of the town, the developers have seeded the area and should be growing by next summer.

Motion: Council Member Cocchia moved to approve the substantial completion of the Crystal Aire Subdivision to the Town of Brian Head. Council Member Fausett seconded the motion.
Action: Motion carried 5-0-0 (**summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Cocchia, Council Member Schwob, Council Member Ortler).

Council Member Ortler commented that the budget would need to be amended for the Class B & C Road Funds with the acceptance of the subdivision.

G. ADJOURNMENT

Motion: Council Member Cocchia moved to adjourn the regular meeting of the Brian Head Town Council. Council Member Fausett seconded the motion.
Action: Motion carried 5-0-0 (**summary: Yes = 5 Vote: Yes:** Mayor Deutschlander, Council Member Fausett, Council Member Cocchia, Council Member Schwob, Council Member Ortler).

The regular meeting of the Brian Head Town Council was adjourned at 2:38 p.m. for November 10, 2009.

November 24, 2009

Date Approved

Nancy Leigh
Town Recorder/Clerk